IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

Bail Appl..No. 1383 of 2007()

AGAINST THE ORDER IN LP 104/2001 IN
CC.738/1998 of J.M.F.C.-II,NEYYATTINKARA

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PETITIONER/ACCUSED

JOHN PAUL, AGED 38 YEARS,
S/O KOCHU KUNJU, MANALUVILA VEEDU,
CHENKAL(P.O),NEYYATTINKARA,
TRIVANDRUM DISTRICT.

BY ADV. SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.SABU SREEDHARAN

RESPONDENTS: STATE & DEFACTO COMPLAINANT

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1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. VIJAYAKUMARI, W/O SELVARAJAN,
MEKKONAM VEEDU, CHENKAL(P.O.),
NEYYATTINKARA TALUK, TRIVANDRUM DISTRICT.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application No. 1383 of 2007

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DATED: 05-03-2007

O R D E R

Petitioner who is the accused in Crime No. 151/1997 of Parassala Police Statioon for an offence punishable under Sec. 326 I.P.C., seeks anticipatory bail.

2. Presumably, consequent on the non-appearance of the petitioner in C.C. 738/1998 on the file of the J.F.C.M.-II, Neyyattinkara, the case against the petitioner was transferred to the Long Pending Case Register where it has been numbered as L.P. 104/2001. Admittedly, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. But at the same time, the petitioner appears to have a genuine grievance that the dispute between him and the de facto complainant Vijayakumari was settled even during the investigation of the case and that it was without noticing the said settlement that the police

submitted the final report in the case. Petitioner has produced an affidavit by the de facto complainant admitting the aforementioned settlement. He has also produced the agreement by which the matter was settled between him and the de facto complainant. In an application for anticipatory bail, it may not be proper for this Court to look into those aspects. But at the same time, the petitioner can very well convince the Magistrate and seek regular bail after surrendering before the said Court. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail within two weeks from today, the same shall be considered and disposed of on the same date on which it is filed after considering the documents, if any, produced by the petitioner and also after considering his contention to the effect that the matter had been settled with the de facto complainant long before. In case, the Magistrate is convinced about the veracity of the settlement made mention of by the petitioner, I am sure that the petitioner

will be enlarged on bail on appropriate conditions. Until such consideration, the warrants pending against the petitioner shall not be executed.

With the above observation, This application is, disposed of.

V.RAMKUMAR,
JUDGE.

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